

### REMARKS

In the Office Action of November 2, 2007, claims 1-21, 32-34 and 38-44 are withdrawn, claims 22-28, 35-37 and 45 are rejected, and claims 29, 30, 31, and 46-51 are objected to.

A number of the claims that were acted upon in this Office Action were actually cancelled in a Preliminary Amendment filed with this application, on December 28, 2005. The cancelled claims included all the claims now indicated to be allowable, namely, claims 29-31 and 46-51. In the above amendments to the claims, applicant has presented the subject matter of all the claims indicated to be allowable (claims 29-31 and 46-51) as new claims 52-60. New claims 52 and 53 are original claims 29 and 30 rewritten in independent form, and new claim 54 is original claim 31 rewritten to be dependent on the new claim 53. New claims 55 and 56 are original claims 46 and 47 rewritten in independent form, and new claims 57-60 are original claims 48-51 rewritten to be dependent on the new claim 56.

Claims 22, 35, 37 and 45-51 have been canceled.

Original claim 36 and its dependent claims 23-28 were rejected under 35 U.S.C. 102(b) based on the Kathman patent 6157502. The independent claim 36 has now been amended to require a positive step of "aligning the optical element with the optical component *by rotation of the optical element* within the opening while the curved surface is engaged by the opening." The Kathman patent teaches a method of reducing or eliminating the ellipticity of a beam from a laser to produce a beam having a substantially circular cross-section. Kathman's method involves alignment by linear movement of his bench 20 "only along one dimension," to adjust "the space between the laser 10 and the refractive element 24." In fact, this single-dimension, linear adjustment is critical to Kathman's teachings, as can be seen from the following:

By designing the beam shaper to have only one degree of freedom, i.e., this horizontal distance, even if active alignment is needed, it is only along one dimension and is readily achieved. (Col. 7, ll. 28-31)

Thus, Kathman expressly teaches *against* the use of any kind of rotational movement for alignment purposes, because rotational movement necessarily involves simultaneous movement along at least two axes. This fundamental difference between the teachings of Kathman and the claims of the present Applicant is, of course, understandable in view of the fundamental differences in the objectives of the two inventors. Kathman's objective is to circularize a laser beam, whereas,

Applicant's objective is to align a beam with a target element by use of a system that can be readily fixed in place after alignment is achieved. Although both methods use an optical bench having a mount for receiving a curved surface, the two methods otherwise have very little in common. In fact, to the contrary, Applicant *requires* precisely what Kathman *prohibits*, namely aligning movement along more than one axis.

Claim 36 has also been amended to positively recite the step of "fixing the optical element to said opening while the curved surface is engaged in said opening to maintain the alignment achieved by the rotation of the optical element relative to the optical component." Kathman discloses fixing his elements in place, but prohibits rotational movement to achieve alignment of an optical element with an optical component.

Accordingly, it is respectfully submitted that claim 36 as now amended is clearly allowable over Kathman, along with the dependent claims 23-28.

New claims 61-65 are dependent on the amended claim 36, and are directed to further specific features of Applicant's invention not disclosed by Kathman. New claim 66 is a modified version of claim 36 discussed above, defining the rotational movement as relative to the optical component mounted on the optical bench.

The abstract of the disclosure was objected to because "Abstract" was not on a separate page. Attached at the end of this document is "Abstract" on a separate page.

For the reasons set forth above, it is respectfully submitted that the present amendments place this application in condition for allowance.

Dated: February 21, 2008

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